

FILED

MAY 13 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-4825

**KATHLEEN ELIZABETH LARRALDE
aka KATHLEEN LANAGAN
aka KATHLEEN RUTLEDGE
473-103 E. Alluvial Avenue
Fresno, CA 93720**

A C C U S A T I O N

Vocational Nurse License No. VN 198700

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about March 25, 2002, the Bureau issued Vocational Nursing License Number VN 198700 to Kathleen Elizabeth Larralde, also known as Kathleen Lanagan, and Kathleen Rutledge ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for the following:

(a) Unprofessional conduct....

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **DRUGS AT ISSUE**

2 8. "Benzodiazapine," any of a group of psychotropic agents used as anti-anxiety agents,
3 muscle relaxants, sedatives, and hypnotics.

4 9. "Opiate," various sedative narcotics containing opium or one or more of its natural or
5 synthetic derivatives.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Possessed Controlled Substances)**

8 10. Respondent is subject to discipline under Code section 2878(a), on the grounds of
9 unprofessional conduct as defined by Code section 2878.5(a), in that on or about May 9, 2010,
10 while employed as a vocational nurse at Hy-Pana House Care Center Inc., located in Fresno,
11 California, Respondent did the following:

12 a. Respondent possessed Benzodiazepam and Opiates, controlled substances, in
13 violation of Code section 4060, in that she did not have a prescription for those controlled
14 substances.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Use of Controlled Substances in a Dangerous Manner)**

17 11. Respondent is subject to discipline under Code section 2878(a), on the grounds of
18 unprofessional conduct as defined by Code section 2878.5(b), in that on or about May 9, 2010,
19 while employed as a vocational nurse at Hy-Pana House Care Center Inc., located in Fresno,
20 California, Respondent did the following:

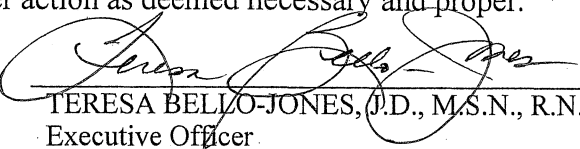
21 a. Respondent self-administered Benzodiazepine and Opiates, controlled substances,
22 without direction to do so from a licensed physician and surgeon, dentist or podiatrist.
23 Respondent used the controlled substances in a dangerous manner as she was at work just prior to
24 testing positive for the substances. During police questioning of Respondent at her place of work,
25 Respondent kept falling asleep.

26 **PRAYER**

27 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 198700, issued to Kathleen Elizabeth Larralde also known as Kathleen Lanagan, and Kathleen Rutledge;
2. Ordering Kathleen Elizabeth Larralde also known as Kathleen Lanagan, and Kathleen Rutledge to pay the Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: **MAY 13 2013**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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